

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

ANNE MARIE ALMUTTAR,

Respondent

v.

WASIF FADEL MOHAMMED ALMUTTAR.

Appellant

DOCKET NUMBER WD78267

DATE: JANUARY 12, 2016

Appeal From:

Circuit Court of Nodaway County, MO
The Honorable Joel Andrew Miller, Judge

Appellate Judges:

Division One
Anthony Rex Gabbert, P.J., Victor C. Howard, and Cynthia Martin, JJ.

Attorneys:

Kenneth C. Hensley, Raymore, MO,

Counsel for Respondent

Attorneys:

Steven Eric Skinner, Maryville, MO

Counsel for Appellant

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

ANNE MARIE ALMUTTAR,

Respondent,

v.

WASIF FADEL MOHAMMED ALMUTTAR,

Appellant.

WD78267

Nodaway County

Before Division One Judges: Anthony Rex Gabbert, P.J., Victor C. Howard, and Cynthia Martin, JJ.

Wasif Almuttar appeals the trial court's judgment modifying a dissolution decree as to the amount of maintenance paid to his ex-wife, Anne Almuttar. On appeal, Wasif contends that the trial court erred in failing to terminate his maintenance obligation to his ex-wife in that this obligation should have been terminated because Anne failed to make a good faith effort to achieve financial independence within a reasonable time after dissolution of the marriage. He therefore contends that the court's failure to terminate his maintenance obligation was against the weight of the evidence.

AFFIRMED

Division One holds:

The trial court did not err in decreasing Wasif's maintenance obligation rather than terminating it entirely. Although Wasif did meet his burden of demonstrating that there had been a substantial change in circumstances justifying modification of the maintenance award in that Anne did fail in her duty to become self-sustaining after dissolution of the marriage, it was within the trial court's discretion to decrease rather than terminate Wasif's maintenance obligation. The trial court has broad discretion to determine the amount, modification, and termination of maintenance awards so long as its decision is based upon a reasonable theory by the law and the evidence. Here, the trial court correctly considered the financial resources and expenses of both parties before concluding that Anne was still entitled to some lesser amount of maintenance.

Opinion by Anthony Rex Gabbert, Judge

Date: 1/22/16

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